

08CN7451-4

REMARKS

Claims 1-34 are pending in the present Application. No claims have been amended or canceled. The claims have been presented here for the convenience of the Examiner. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Rejections Under the Judicially Created Doctrine of Obviousness-type Double Patenting

Claims 1-34 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over co-pending Application No. 10/063,336 ('336). Applicants respectfully note that according to section 804 of the MPEP, if a provisional double patenting rejection is the only rejection remaining in an application the rejection should be withdrawn and the application allowed to issue. Accordingly, a terminal disclaimer is not required in this instance as there is, as yet, no patent to disclaim over.

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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